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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,369	12/18/2000	Alejandro Wiechers	10001311-1	8361

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EXAMINER

WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/749,369

Applicant(s)

WIECHERS, ALEJANDRO

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3. 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 have been examined.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 32, (see pg. 5, line26). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. That is, claim 17 is not explicitly in the technological arts. It merely recites a method for publishing an authored work, but does not require any hardware in the method. Thus, the body of the claim must comprise hardware.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. US 2002/0035697 to McCurdy et al.

Referring to claims 1,2,4,6 and 7, McCurdy et al. disclose a publisher for converting the authored work to a resulting commercial-grade publication, a repositor linked with the publisher for storing the commercial-grade publication, a sales manager linked with the repository for retrieving the commercial-grade publication from the repository and distributing that commercial-grade publication, an encoder linked with the publisher, the repository, and the sales manager for securing information associated with the authored work form unsolicited disclosure outside the network addressable device; wherein the publisher interfaces with a remote service provider for editing the authored work for content and for publication of the authored work; wherein the repository provides the commercial-grade publication to the sales manager (see sections [0088] - [0091]).

Referring to claim 3, McCurdy et al. disclose the device wherein the network addressable device is coupled to a browser (see section [0084]).

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Referring to claim 5, McCurdy et al. disclose the device wherein the publisher interfaces with a remote service provider for preparing the authored work for marketability (see section [0193]).

Referring to claim 8, McCurdy et al. disclose the device wherein the sales manager distributes the commercial-grade publication in a format compatible with electronic media (see section [0106]).

Referring to claim 9, McCurdy et al. disclose the device wherein the sales manager accounts for each distribution of the commercial grade publication for purposes of revenue (see section [0107]).

Referring to claims 10 and 11, McCurdy et al. disclose device wherein the device is linked with the Internet communications network or an intranet (see section [0080], lines 15-17).

Referring to claims 12,14 and 16, McCurdy et al. disclose a first computer program code for converting the authored work to a resulting commercial-grade publication, a second computer program code linked with the first computer program code for storing the commercial-grade publication, a third computer program code linked with eh second computer program code for retrieving the commercial-grade publication from storage and distributing that commercial-grade publication, wherein the third computer program interfaces with a remote service provider for editing the authored work for content; wherein the second-computer program code provides the commercial-grade publication to the third computer program code (see section [0086], lines 1-8; [0088] - [0091]).

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Referring to claim 13, McCurdy et al. disclose the computer program code wherein the third computer program code accounts for each distribution of the commercial grade publication for purposes of revenue (see section [0086], lines 1-8; [0107]).

Referring to claim 15, McCurdy et al. disclose the computer program code wherein the publisher interfaces with a remote service provider for preparing the authored work for marketability (see section [0086], lines 1-8; [0193]).

Referring to claims 17-20, McCurdy et al. disclose receiving the authored work, converting the authored work to a resulting commercial-grade publication, storing the commercial-grade publication, allocating the authored work to a remote service provider to facilitate converting the authored work to a commercial-grade publication, distributing that commercial-grade publication, and formatting the commercial-grade publication for compatibility with electronic media (see sections [0088] - [0091]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications, 703-746-9443 for Non-Official/Draft, and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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Any response to this action should be mailed to: **Commissioner of Patents and Trademarks,**  
**Washington, DC 20231.**

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, V.A., Seventh floor receptionist.

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February 5, 2003

JOHN HAYES  
John W. Hayes  
Primary Examiner